

**REMARKS**

This application has been reviewed in light of the Office Action dated August 21, 2009. Claims 29-32, 34-42 and 44-48 are pending in this application, with claims 29, 39 and 48 being independent. Claim 33 and 43 have been cancelled without prejudice or disclaimer of subject matter and will not be discussed further. Claims 29-32, 34, 36, 37, 39-42, 44 and 46-48 have been amended. Favorable reconsideration and allowance are respectfully requested.

The Office Action rejected claims 29-32, 35, 37, 39-42, 45, 47 and 48 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,049,743 to Baba. In addition, the Office Action rejected claims 34, 36, 44 and 46 under 35 U.S.C. § 103(a) as being unpatentable over Baba, and claim 38, as being unpatentable over Baba in view of U.S. Patent Application Publication No. 2002/0110786 to Diller. Applicants respectfully traverse these rejections, and respectfully submit that claims 29-32, 34-42 and 44-48 are patentable over Baba, for the reasons set forth below.

As discussed in the specification and the Supplemental Amendment of June 22, 2009, the present invention relates to a system that facilitates the design and fabrication of digital restoration bodies. An image that includes multiple, distinct dentally specific indicia is presented to a user. In accordance with the system, there is a computer, a display device, an input device and at least one design tool. The computer directs the display device to display an image of a dental restoration body, with the image including a plurality of distinct dentally specific indicia. The input device enables the user to input a command that references any of the plurality of distinct dentally specific indicia to select a portion of the image to be modified, with the selected portion being

defined by at least the dentally specific indicia referenced by the command. The at least one design tool enables the selected portion to be modified in any of a plurality of directions.

These features are not believed to be disclosed or suggested in Baba, which simply teaches the much more rudimentary technique of dividing an image of a tooth into four quarters, and allowing the user to select one of the quarters for further processing. More particularly, Baba relates to a method of designing a dental prosthesis model (See Abstract). An image (pontic model) for a tooth is divided into four deforming regions  $A_{(n)}$  defined by extending the grooves in the occlusal surface substantially vertically (See col. 8, lines 7-11). A user is then allowed to designate one point as the center of deformation and move the point to reshape the image, where the move is effected in a smooth manner throughout and limited to the deforming region containing the point (See col. 9, lines 41-55).

In other words, a region of an image to be further processed is always one of the four deforming regions, which a user selects by designating a point in the deforming region. Nothing in Baba indicates or suggests that a user needs to or may directly select a first one of those regions defined by at least one of the dentally specific indicia, which may contain a second one of those regions, by designating the dentally specific indicia that surround the first one of those regions. Therefore, Baba is not believed to disclose or suggest “an input device that enables a user to input a command to the computer to reference any of the plurality of distinct dentally specific indicia to select a portion of the image to be modified, the selected portion being defined by at least the dentally specific indicia referenced by the command,” as recited in Claim 29.

Applicants respectfully submit that independent claim 29 is plainly patentable over Baba as a result.

Independent claim 39 is directed to an image processing method and independent claim 48 is directed to a CAD system with its constituent claim elements being written in means-plus-function form. Each of claims 39 and 48 recite the salient feature of claim 29 emphasized above, namely that a user may directly select a region of an input image by designating the dentally specific indicia that surround the image.

Applicants respectfully submit that independent claims 39 and 48 are patentable over Baba for at least the reasons discussed with respect to independent claim 29 above.

The other claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

**CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Michael P. Sandonato/

Michael P. Sandonato  
Attorney for Applicants  
Registration No. 35,345

FITZPATRICK, CELLA, HARPER & SCINTO  
1290 Avenue of the Americas  
New York, New York 10104-3800  
Facsimile: (212) 218-2200

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